

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON ENERGY, TECHNOLOGY, AND FEDERAL RELATIONS**

**Call to Order:** Chair Daniel Zolnikov, on April 10, 2017 at 3:00 PM, in Room 472 Capitol

#### **ROLL CALL**

##### **Members Present:**

Rep. Daniel Zolnikov, Chair (R)  
Rep. Denise Hayman, Vice Chair (D)  
Rep. Derek Skees, Vice Chair (R)  
Rep. Laurie Bishop (D)  
Rep. Geraldine Custer (R)  
Rep. Casey Knudsen (R)  
Rep. James O'Hara (R)  
Rep. Andrea Olsen (D)  
Rep. Zac Perry (D)  
Rep. Adam Rosendale (R)

##### **Members Excused:**

Rep. Adam Hertz (R)  
Rep. Sharon Stewart-Peregoy (D)  
Rep. Nate McConnell (D)  
Rep. Alan Redfield (R)  
Rep. Shane A. Morigeau (D)  
Rep. Austin Knudsen (R)

**Members Absent:** None

**Staff Present:** Sydney Kessel, Committee Secretary  
Sonja Nowakowski, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 339, 4/10/2017; SB 374, 4/10/2017; SB 335, 4/10/2017

**HEARING ON SB 335**

**Opening Statement by Sponsor:**

00:01:20 Sen. Jeffrey Welborn (R), SD 36, opened the hearing on SB 335, Generally revise laws to facilitate public/private partnerships.

**Proponents' Testimony:**

00:02:38 Darryl James, Montana Infrastructure Coalition

00:05:32 Webb Brown, Montana Chamber of Commerce

[EXHIBIT\(feh75a01\)](#)

[EXHIBIT\(feh75a02\)](#)

00:06:58 Robin O' Day, Fair and Realty Partners

00:08:55 Rep. Morigeau joins meeting

00:09:36 Cary Hagreberg, Montana Contractors Association (MCA)

00:11:58 Tim Burton, Montana League of Cities and Towns (MLCT)

00:13:03 Bill Johnston, Self

00:13:52 JD Lynch, Montana Building and Trade Council

**Opponents' Testimony:**

00:14:18 Spook Stang, Motor Carriers of Montana

00:14:53 Russ Katherman, Department of Architecture (DOA)

00:17:27 Lynn Zanto, Montana Department of Transportation (MDT)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:18:44 Chair Zolnikov

00:18:56 Lynn Zanto, MDT

00:19:58 Rep. C Knudsen

00:21:12 Sen. Welborn

00:21:42 Vice Chair Hayman

00:22:06 Russ Katherman, DOA

00:23:51 Vice Chair Hayman

00:24:10 Russ Katherman, DOA

00:24:52 Vice Chair Hayman

00:25:12 Russ Katherman, DOA

00:25:52 Vice Chair Skees

00:27:43 Lynn Zanto, MDT

00:28:31 Vice Chair Skees

00:28:47 Sen. Welborn

00:29:51 Vice Chair Skees

00:29:57 Darryl James, Montana Infrastructure Coalition

00:35:03 Chair Zolnikov

00:36:23 Darryl James, Montana Infrastructure Coalition

00:38:29 Chair Zolnikov

00:38:42 Darryl James, Montana Infrastructure Coalition

00:39:47 Vice Chair Skees

00:40:23 Spook Stang, Motor Carriers of Montana

00:41:19 Vice Chair Skees

00:42:02 Russ Katherman, DOA  
 00:43:22 Vice Chair Skees  
 00:43:43 Russ Katherman, DOA  
 00:44:35 Vice Chair Skees  
 00:45:04 Russ Katherman, DOA  
 00:45:48 Chair Zolnikov  
 00:46:32 Darryl James, Montana Infrastructure Coalition  
 00:46:56 Chair Zolnikov  
 00:47:27 Darryl James, Montana Infrastructure Coalition  
 00:48:40 Rep. Olsen  
 00:50:04 Russ Katherman, DOA  
 00:50:27 Rep. Olsen  
 00:51:01 Russ Katherman, DOA  
 00:51:17 Rep. McConnell joins meeting  
 00:51:50 Rep. Olsen  
 00:52:07 Bill Johnston, Self  
 00:52:43 Rep. Olsen  
 00:52:58 Bill Johnston, Self  
 00:53:52 Rep. Olsen  
 00:54:24 Bill Johnston, Self  
 00:55:02 Rep. Olsen  
 00:56:41 Darryl James, Montana Infrastructure Coalition  
 00:58:38 Rep. Olsen  
 00:59:09 Darryl James, Montana Infrastructure Coalition  
 00:59:53 Chair Zolnikov  
 01:00:11 Darryl James, Montana Infrastructure Coalition  
 01:00:51 Rep. Custer  
 01:01:16 Darryl James, Montana Infrastructure Coalition  
 01:01:57 Rep. Custer  
 01:02:36 Tim Burton, MLCT  
 01:02:47 Vice Chair Skees  
 01:03:23 Sen. Welborn  
 01:04:05 Vice Chair Skees  
 01:04:35 Sen. Welborn

**Closing by Sponsor:**

01:05:58 Sen. Welborn

**HEARING ON SB 339**

**Opening Statement by Sponsor:**

01:09:04 Sen. Duane Ankney (R), SD 20, opened the hearing on SB 339, Establishing the coal-fired generating unit remediation act.

**Proponents' Testimony:**

01:11:46 Tim Ebzery, Puget Sound Energy  
 01:13:47 Anne Hedges, Montanan Environmental Quality (DEQ)  
 01:15:47 Jim Atchison, South Eastern Montana  
 01:17:04 Dave Galt, Montana Association of Coal and Gas  
 01:17:31 Tim Burton, Montana League of Cities and Towns (MLCT)

01:18:39 Ella Smith, Northern Plains Resource Council (NPRC)  
01:20:01 Chris Cavazos, AFLO-CIO  
01:20:22 JD Lynch, Montana State Building Council  
01:20:45 Laurie Shaw, Self  
01:21:13 Bob Gilbert, Glendive County

**Opponents' Testimony:** None

**Informational Testimony:**

01:21:47 Jenny Chambers, Montana Department of Environmental Quality (DEQ)

**Questions from Committee Members and Responses:**

01:22:09 Chair Zolnikov  
01:22:25 Sen. Ankney  
01:23:45 Rep. Bishop  
01:24:17 Chair Zolnikov  
01:24:44 Vice Chair Skees  
01:25:05 Vice Chair Hayman  
01:25:41 Tim Ebzery, Puget Sound Energy

**Closing by Sponsor:**

01:27:40 Sen. Ankney

**HEARING ON SB 374**

**Opening Statement by Sponsor:**

01:29:18 Sen. Duane Ankney (R), SD 20, opened the hearing on SB 374, Revise laws related to utility line extensions.

**Proponents' Testimony:**

01:31:21 Gary Forrester, Montana Dakota Utilities (MDU)  
01:32:31 David Hoffman, Northwestern Energy (NWE)  
01:32:55 JD Lynch, IBW #44

**Opponents' Testimony:**

01:33:29 Tony O' Donnell, Public Service Center

**Informational Testimony:**

01:38:33 Doug Hardy, Montana Electric Cooperatives

**Questions from Committee Members and Responses:**

01:38:56 Chair Zolnikov  
01:39:11 Doug Hardy, Montana Electric Cooperatives  
01:40:15 Chair Zolnikov  
01:40:54 Doug Hardy, Montana Electric Cooperatives  
01:41:49 Rep. Olsen  
01:42:36 Gary Forrester, MDU  
01:44:21 Rep. Olsen  
01:44:36 Gary Forrester, MDU  
01:45:20 Rep. Olsen

01:45:34 Gary Forrester, MDU  
 01:46:11 Rep. Bishop  
 01:46:34 Sen. Ankney  
 01:47:09 Rep. Bishop  
 01:47:21 Sen. Ankney  
 01:48:56 Rep. Bishop  
 01:49:28 Tony O' Donnell, PSC  
 01:50:29 Vice Chair Skees  
 01:50:42 Tony O' Donnell, PSC  
 01:50:54 Vice Chair Skees  
 01:51:42 Gary Forrester, MDU  
 01:52:18 Vice Chair Skees  
 01:52:34 Gary Forrester, MDU  
 01:53:11 Vice Chair Skees

**Closing by Sponsor:**

01:53:42 Sen. Ankney  
  
 01:54:37 Chair Zolnikov  
 01:57:33 Vice Chair Skees  
 01:57:45 Sonja Nowakowski, Legislative Service Division (LSD)  
 01:58:37 Chair Zolnikov  
 01:58:54 Vice Chair Skees  
 01:59:02 Sonja Nowakowski, LSD  
 01:59:52 Chair Zolnikov  
  
 02:02:19 Recess  
 02:50:15 Reconvene with Rep. Stewart-Peregoy, Rep. Redfield, Rep. A. Knudsen & Rep. Morigeau

**EXECUTIVE ACTION ON SB 339**

02:50:29 **Motion/Vote:** Rep. Skees moved that **SB 339 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. A. Hertz voted by proxy. Rep. Zolnikov will carry the bill.

**EXECUTIVE ACTION ON SB 335**

02:51:40 **Motion:** Rep. Skees moved that **SB 335 BE CONCURRED IN**.

02:51:52 **Motion:** Rep. C. Knudsen moved that **SB 335 BE AMENDED**.

[\*\*EXHIBIT\(feh75a03\)\*\*](#)

**Discussion:**

02:52:13 Sonja Nowakowski, LSD  
 02:52:35 Vice Chair Hayman  
 02:53:03 Rep. Olsen  
 02:53:31 Rep. C. Knudsen  
 02:53:54 Rep. McConnell

02:54:09 **Substitute Motion/Vote:** Rep. Bishop moved that **AMENDMENT SB 33502.ASN BE SEGREGATED AND AMENDED.** Motion failed 7-9 by roll call vote with Rep. Bishop, Rep. Hayman, Rep. McConnell, Rep. Morigeau, Rep. Olsen, Rep. Perry and Rep. Stewart-Peregoy voting aye. Rep. A. Hertz voted by proxy.

02:54:46 Rep. McConnell

02:55:54 **Vote:** Motion carried 9-7 by roll call vote with Rep. Bishop, Rep. Hayman, Rep. McConnell, Rep. Morigeau, Rep. Olsen, Rep. Perry and Rep. Stewart-Peregoy voting no. Rep. A. Hertz voted by proxy.

02:56:47 **Motion:** Rep. Skees moved that **SB 335 BE CONCURRED IN AS AMENDED.**

02:57:03 **Motion:** Rep. Custer moved that **SB 335 BE AMENDED.**  
[EXHIBIT\(feh75a04\)](#)

**Discussion:**

02:57:32 Sonja Nowakowski, LSD

02:58:37 **Vote:** Motion carried 15-1 by voice vote with Rep. Hayman voting no. Rep. A. Hertz voted by proxy.

02:59:06 **Motion:** Rep. Skees moved that **SB 335 BE CONCURRED IN AS AMENDED.**

**Discussion:**

02:59:13 Vice chair Hayman

03:00:45 Vice Chair Skees

03:01:25 Rep. Custer

03:02:19 **Vote:** Motion carried 11-5 by roll call vote with Rep. Hayman, Rep. McConnell, Rep. Morigeau, Rep. Olsen and Rep. Stewart-Peregoy voting no. Rep. A. Hertz voted by proxy. Rep. Skees will carry the bill.

**EXECUTIVE ACTION ON SB 374**

03:03:41 **Motion/Vote:** Rep. Skees moved that **SB 374 BE CONCURRED IN.** Motion carried 13-3 by roll call vote with Rep. Bishop, Rep. Hayman and Rep. Olsen voting no. Rep. A. Hertz voted by proxy. Rep. O'Hara will carry the bill.

**EXECUTIVE ACTION ON SB 338**

03:05:31 **Motion:** Rep. Skees moved that **SB 338 BE CONCURRED IN.**

**Discussion:**

03:06:00 Vice Chair Hayman

03:06:13 **Motion:** Rep. Olsen moved that **SB 338 BE AMENDED.**  
[EXHIBIT\(feh75a05\)](#)

**Discussion:**

03:06:44 Rep. Olsen  
03:08:10 Sonja Nowakowski, LSD  
03:10:32 Rep. Olsen  
03:10:54 Sonja Nowakowski, LSD  
03:12:03 Rep. Olsen  
03:12:23 Vice Chair Skees  
03:12:34 Sonja Nowakowski, LSD

03:12:46 **Vote:** Motion failed 7-9 by roll call vote with Rep. Hayman, Rep. McConnell, Rep. Morigeau, Rep. Olsen, Rep. Perry, Rep. Stewart-Peregoy and Rep. Zolnikov voting aye. Rep. A. Hertz voted by proxy.

03:14:00 Vice Chair Skees

03:14:29 **Motion:** Rep. McConnell moved that **SB 338 BE AMENDED.**  
**EXHIBIT**(feh75a06)

**Discussion:**

03:14:48 Sonja Nowakowski, LSD  
03:17:58 Rep. McConnell

03:18:57 **Vote:** Motion carried 15-1 by roll call vote with Rep. C. Knudsen voting no. Rep. A. Hertz voted by proxy.

03:19:39 **Motion:** Rep. Skees moved that **SB 338 BE CONCURRED IN AS AMENDED.**

03:19:57 **Motion:** Rep. Custer moved that **SB 338 BE AMENDED.**  
**EXHIBIT**(feh75a07)

**Discussion:**

03:20:08 Sonja Nowakowski, LSD

03:20:36 **Vote:** Motion carried 15-1 by voice vote with Rep. Hayman voting no. Rep. A. Hertz voted by proxy.

03:20:55 **Motion:** Rep. Skees moved that **SB 338 BE CONCURRED IN AS AMENDED.**

**Discussion:**

03:21:04 Rep. McConnell  
03:23:12 Rep. Morigeau  
03:24:24 Vice Chair Skees  
03:25:58 Rep. Custer  
03:28:31 Rep. Olsen  
03:30:24 Rep. Stewart-Peregoy

03:32:44 **Vote:** Motion failed 8-8 by roll call vote with Rep. Bishop, Rep. Custer, Rep. Hayman, Rep. Hertz, Rep. McConnell, Rep. Morigeau, Rep. Olsen and Rep. Perry voting aye. Rep. A. Hertz voted by proxy.

03:33:53      **Motion/Vote:** Rep. Skees moved that **SB 338 BE TABLED**. Motion carried 13-3 by voice vote with Rep. Custer, Rep. A. Hertz and Rep. Olsen voting no. Rep. A. Hertz voted by proxy.

**EXECUTIVE ACTION ON SB 140**

03:34:39      **Motion:** Rep. Skees moved that **SB 140 BE CONCURRED IN**.

**Discussion:**

03:34:54      Sonja Nowakowski, LSD

03:35:16      Vice Chair Hayman

03:35:25      Sonja Nowakowski, LSD

03:35:48      **Vote:** Motion carried 11-5 by roll call vote with Rep. Bishop, Rep. Hayman, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. A. Hertz voted by proxy. Rep. Custer will carry the bill.



**ADJOURNMENT**

Adjournment: 03:37:23

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Sydney Kessel, Secretary

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Additional Documents:

**EXHIBIT**([feh75aad.pdf](#))